



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2001 Assembly Bill 620**

**Assembly Amendment 1**

**Memo published: February 26, 2002**

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*Assembly Bill 620* provides that if a juvenile is convicted of the crime of throwing or expelling a bodily substance at or toward another person while the juvenile is placed in a secure facility, the court must impose two years' imprisonment (the current maximum penalty) unless the court finds: (1) that placing the juvenile on probation or imposing a lesser sentence would not depreciate the seriousness of the offense; and (2) that imposing the two-year sentence is not necessary to deter future violations.

*Currently*, a sentence imposed for a violation of the crime against throwing or expelling a bodily substance while confined in custody is to be imposed consecutively to any sentence for which the violator is then serving time. [s. 946.43 (2m) (b), Stats.] That consecutive sentence requirement does not appear to apply to a juvenile in a secure facility who is convicted of throwing or expelling a bodily substance. *Assembly Amendment 1* clarifies the application of the current consecutive sentence requirement to the situation of a juvenile who is convicted of throwing or expelling a bodily substance while in a secure facility.

Assembly Amendment 1 was recommended for adoption by the Assembly Committee on Judiciary by a vote of Ayes, 7; Noes, 0, on February 25, 2002.

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